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2D SESSION

S. 1991

To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2001

Mr. HOLLINGS (for himself, Mr. BIDEN, Mr. BREAUX, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Mr. CORZINE, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Ms. MIKULSKI, Mr. REID, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. STEVENS, and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49;**

4 **TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “National Defense Rail Act”.

1 (b) AMENDMENT OF TITLE 49.—Except as otherwise
 2 expressly provided, whenever in this Act an amendment
 3 or repeal is expressed in terms of an amendment to, or
 4 a repeal of, a section or other provision, the reference shall
 5 be considered to be made to a section or other provision
 6 of title 49, United States Code.

7 (c) TABLE OF CONTENTS.—The table of contents for
 8 this Act is as follows:

- Sec. 1. Short title; amendment of title 49; table of contents.
 Sec. 2. Findings.
- Title I—Rail Transportation Security
- Sec. 101. Amtrak security assistance.
 Sec. 102. Study of foreign rail transport security programs.
 Sec. 103. Passenger, baggage, and cargo screening.
 Sec. 104. Rail security.
 Sec. 105. Rail transportation security risk assessment.
- TITLE II—Interstate Railroad Passenger High-Speed Transportation System
- Sec. 201. Interstate railroad passenger high-speed transportation policy.
 Sec. 202. High-speed rail corridor planning.
 Sec. 203. Implementation assistance.
 Sec. 204. Designated high-speed rail corridors.
 Sec. 205. Labor standards.
 Sec. 206. Railway-highway crossings in high-speed rail corridors.
 Sec. 207. Authorization of appropriations.
- TITLE III—National Railroad Passenger Corporation
- Sec. 301. National railroad passenger transportation system defined.
 Sec. 302. Extension of authorization.
 Sec. 303. Additional Amtrak authorizations.
 Sec. 304. Northeast Corridor authorizations.
 Sec. 305. Long distance trains.
 Sec. 306. Short distance trains; State-supported routes.
 Sec. 307. Re-establishment of Northeast Corridor Safety Committee.
 Sec. 308. On-time performance.
 Sec. 309. Amtrak board of directors.
 Sec. 310. Independent audit of Amtrak operations; review by DOT IG.
- TITLE IV—Miscellaneous
- Sec. 401. Rehabilitation, improvement, and security financing.
 Sec. 402. Rail passenger cooperative research program.
 Sec. 403. Conforming amendments to title 49 reflecting ICC Termination Act.
 Sec. 404. Applicability of reversion to Alaska Railroad right-of-way property.

9 **SEC. 2. FINDINGS.**

10 The Congress finds the following:

11 (1) Financial investment in passenger rail in-
 12 frastructure is critical, and Federal leadership is re-
 13 quired to address the needs of a reliable safe, secure
 14 passenger rail network, just as has been used in es-

1 tablishing the interstate highway system and the
2 Federal aviation network.

3 (2) Lack of investment and attention to the
4 needs of passenger rail infrastructure has resulted in
5 a weak passenger rail network, and has caused a
6 strain on the capacity of other modes of transpor-
7 tation in many areas of the country. According to
8 the Department of Transportation, in 1999 the cost
9 of wasted time and extra fuel consumption due to
10 delays on congested roads was estimated at \$78 bil-
11 lion.

12 (3) Passenger rail is an integral part of the
13 United States transportation system, and, as can be
14 evidenced in the Northeast Corridor, relieves the
15 pressures of congestion on highways and at airports,
16 and creates a more balanced system of transpor-
17 tation alternatives.

18 (4) Passenger rail service has been a vital in-
19 strument in the transportation needs of our nation.
20 For instance, during World War II, the privately
21 owned, operated, and constructed railroad industry
22 transported 90 percent of all defense freight, and 97
23 percent of all defense personnel transported to
24 points of embarkation for theaters of action. By the
25 end of the war, railroads accounted for three quar-

1 ters of the share of the common carrier share of
2 intercity traffic, with airplanes and buses sharing
3 the remaining quarter of traffic.

4 (5) Significant attention and Federal funding
5 were required to construct the Eisenhower System of
6 Interstate and Defense Highways. The Federal Aid
7 Highway Act of 1956 established a Highway Trust
8 Fund based upon Federal user taxes in order to fi-
9 nance up to 90 percent of the costs of the \$25 bil-
10 lion dollar highway construction plan.

11 (6) Federal policies with respect to investment
12 in aviation resulted in a strengthened aviation indus-
13 try and the rapid development of air passenger serv-
14 ice, and by the late 1960's most rail companies were
15 petitioning the government to discontinue passenger
16 services because of losses.

17 (7) Amtrak was established in 1971 by the Rail
18 Passenger Service Act of 1970 to provide passenger
19 rail services in the United States as a public service;
20 at the time of Amtrak's formation, freight railroads
21 were losing money on unprofitable passenger rail op-
22 erations. Since 1971 Amtrak has received only \$25
23 billion in public subsidies; during that period, the
24 United States invested \$750 billion on highways and
25 aviation.

1 (8) The Amtrak Reform and Accountability Act
2 of 1997, and preceding statutes, resulted in creating
3 conflicting missions for the National Railroad Pas-
4 senger Corporation of both serving a public function
5 by operating unprofitable long-distance routes while
6 also attempting to operate at a profit. This policy
7 has also restricted Amtrak's profit potential on the
8 Northeast Corridor by limiting the capital expendi-
9 tures to help defray other costs.

10 (9) Due to a lack of capital investment, the
11 Northeast Corridor has accumulated a backlog of re-
12 pair needs, including life safety and security needs.
13 Investment in the capital needs of the Northeast
14 Corridor would result in capacity improvements
15 which would result in greater utilization of the exist-
16 ing infrastructure.

17 (10) The Department of Transportation Inspec-
18 tor General's 2001 Assessment of Amtrak's Finan-
19 cial Performance and Requirements (Report #CR-
20 2002-075) found that Amtrak's lack of available
21 capital has impeded its efforts to achieve financial
22 goals.

23 (11) In order to attempt to meet the mandate
24 of the Amtrak Reform and Accountability Act of
25 1997, Amtrak has been forced to delay capital im-

1 provement projects and other projects which would
2 produce long-term benefits.

3 (12) The Department of Transportation Inspec-
4 tor General's 2001 Assessment of Amtrak's Finan-
5 cial Performance and Requirements (Report #CR-
6 2002-075) found that Amtrak's most profitable op-
7 erations are on the Northeast Corridor, where Fed-
8 eral investment in passenger rail infrastructure has
9 been significantly higher than anywhere else in the
10 country.

11 (13) Federal investments in capital projects to
12 support passenger rail in areas other than the
13 Northeast Corridor would result in improved service
14 and increase profitability.

15 (14) The need for a balanced interstate and
16 international transportation system that provides a
17 viable alternative to travel by private automobile or
18 commercial aircraft is particularly evident after the
19 events of September 11, 2001.

20 (15) As a matter of national security, a strong
21 passenger rail network would provide travelers an al-
22 ternative to highway and air travel, which could lead
23 to reduced United States reliance on foreign oil im-
24 ports.

1 (16) In fiscal year 2001, the United States
2 spent less than 1 percent of all transportation modal
3 spending on intercity passenger rail, and since 1998,
4 Amtrak has received only \$4.59 billion of the \$8.42
5 billion it has been authorized to receive by Congress.

6 (17) Passenger rail in the United States has no
7 stable funding source, in contrast to highways, avia-
8 tion, and transit.

9 (18) Per capita spending on passenger rail is
10 much higher in other countries than the United
11 States and, in fact, the United States ranks behind
12 other countries including Canada, Japan, France,
13 Great Britain, Italy, Spain, Austria, Switzerland,
14 Belgium, Sweden, Luxembourg, Denmark, Ireland,
15 Norway, the Czech Republic, Finland, Slovakia, Por-
16 tugal, Poland, South Africa, Greece, and Estonia.

17 (19) The United States needs to engage in
18 long-term planning to foster and address future pas-
19 senger transportation growth and show forethought
20 regarding transportation solutions rather than be
21 forced to act due to an impending crisis.

22 (20) It is in the national interest to preserve
23 passenger rail service in the United States and to
24 maintain the solvency of the National Railroad Pas-
25 senger Corporation.

1 (21) Long-term planning and support for pas-
2 senger rail will help offset the emerging problems
3 created by transportation congestion, and contribute
4 to a cleaner and more environmentally-friendly
5 transportation system.

6 (22) A comprehensive re-evaluation of our na-
7 tion's rail passenger policy is required and a clearly
8 defined role for Amtrak and a connected rail pas-
9 senger network must be established.

10 (23) The Federal government must take the
11 primary responsibility for developing national rail-
12 road passenger transportation infrastructure, and
13 help ensure that it functions as an efficient network.
14 Privatization of the rail passenger industry in Great
15 Britain has been disastrous and passenger service
16 has suffered overall.

17 (24) The nation should be afforded the oppor-
18 tunity to receive safe, efficient, and cost-effective rail
19 passenger services, taking into account all benefits
20 to the nation as a whole.

21 **TITLE I—RAIL**
22 **TRANSPORTATION SECURITY**

23 **SEC. 101. AMTRAK SECURITY ASSISTANCE.**

24 (a) INFRASTRUCTURE SECURITY.—The following
25 amounts are authorized to be appropriated to the Sec-

1 retary of Transportation for the use of Amtrak for fiscal
2 year 2003:

3 (1) \$26,000,000 for tunnel, bridge, electric
4 traction, and tower security, including closed circuit
5 television cameras, vehicle barriers, lighting, and
6 fencing, of which \$19,725,000 shall be obligated or
7 expended on the Northeast Corridor and \$6,275,000
8 shall be obligated or expended outside the Northeast
9 Corridor.

10 (2) \$137,370,000 for interlocking security
11 needs, including closed circuit television cameras,
12 lighting, fencing and vehicle barriers, of which 50
13 percent shall be obligated or expended on the North-
14 east Corridor and 50 percent shall be obligated or
15 expended outside the Northeast Corridor.

16 (3) \$12,525,000 for equipment facility security,
17 including closed circuit television cameras, lighting,
18 and vehicle barriers, of which \$4,175,000 shall be
19 obligated or expended on the Northeast Corridor and
20 \$8,350,000 shall be obligated or expended outside
21 the Northeast Corridor.

22 (4) \$22,140,000 for yard and terminal security,
23 including closed circuit television cameras, lighting,
24 fencing and vehicle barriers, of which \$9,225,000
25 shall be obligated or expended on the Northeast Cor-

1 ridor and \$12,915,000 shall be obligated or ex-
2 pended outside the Northeast Corridor.

3 (5) \$2,940,000 for mail and express facilities
4 security, including closed circuit television cameras,
5 lighting, fencing, and vehicle barriers, of which
6 \$1,470,000 shall be obligated or expended on the
7 Northeast Corridor and \$1,470,000 shall be obli-
8 gated or expended outside the Northeast Corridor.

9 (6) \$20,125,000 for station security, including
10 closed circuit television cameras, x-ray machines,
11 lighting, fencing and vehicle barriers, of which
12 \$7,000,000 shall be obligated or expended on the
13 Northeast Corridor and \$13,125,000 shall be obli-
14 gated or expended outside the Northeast Corridor.

15 (7) \$538,000 for employee identification sys-
16 tems, including improved technology for badges
17 issued to employees and visitors controlled through
18 a centralized database.

19 (8) \$75,000 for bomb-resistant trash con-
20 tainers, of which 50 percent shall be obligated or ex-
21 pended on the Northeast Corridor and 50 percent
22 shall be obligated or expended outside the Northeast
23 Corridor.

24 (9) \$5,800,000 for a passenger information re-
25 trieval system to capture security information, create

1 watchlists, and an online history of passengers, of
2 which 50 percent shall be obligated or expended on
3 the Northeast Corridor and 50 percent shall be obli-
4 gated or expended outside the Northeast Corridor.

5 (10) \$6,200,000 for an incident tracking sys-
6 tem to create and maintain an electronic database of
7 data on criminal and operational incidents, of which
8 50 percent shall be obligated or expended on the
9 Northeast Corridor and 50 percent shall be obligated
10 or expended outside the Northeast Corridor.

11 (11) \$4,300,000 for upgrades to ticket kiosks
12 for photo imaging for identification purposes, of
13 which 50 percent shall be obligated or expended on
14 the Northeast Corridor and 50 percent shall be obli-
15 gated or expended outside the Northeast Corridor.

16 (12) \$16,750,000 for an incident command sys-
17 tem to serve as a second command center and a dis-
18 aster recovery command site, of which \$5,000,000
19 shall be obligated or expended on the Northeast Cor-
20 ridor and \$11,750,000 shall be obligated or ex-
21 pended outside the Northeast Corridor.

22 (13) \$5,000,000 for train locator and tracking
23 systems to provide GPS coordinates for all loco-
24 motives, of which 50 percent shall be obligated or
25 expended on the Northeast Corridor and 50 percent

1 shall be obligated or expended outside the Northeast
2 Corridor.

3 (14) \$120,000 for a notification system for in-
4 tegration of GPS information into the central com-
5 puter systems, of which 50 percent shall be obligated
6 or expended on the Northeast Corridor and 50 per-
7 cent shall be obligated or expended outside the
8 Northeast Corridor.

9 (15) \$1,245,000 for mail and express shipment
10 software to identify each shipment positively before
11 it is transported by rail, of which \$405,000 shall be
12 obligated or expended on the Northeast Corridor and
13 \$840,000 shall be obligated or expended outside the
14 Northeast Corridor.

15 (16) \$1,211,000 for mail and express tracking
16 deployment to identify the status of each rail ship-
17 ment.

18 (b) SECURITY OPERATIONS.—The following amounts
19 are authorized to be appropriated to the Secretary of
20 Transportation for the use of Amtrak for fiscal year 2003:

21 (1) \$354,000 for hiring 4 police officers, each
22 of whom is to be dedicated to a specific region of the
23 United States, to provide intelligence-gathering and
24 analysis, conduct crime-mapping assessments
25 throughout the entire system, work with law enforce-

1 ment to prevent terrorist acts and reduce Amtrak's
2 vulnerability, of which 50 percent shall be obligated
3 or expended on the Northeast Corridor and 50 per-
4 cent shall be obligated or expended outside the
5 Northeast Corridor.

6 (2) \$10,411,000 for the hiring of 150 patrol of-
7 ficers and 48 specialized personnel, of whom 101
8 would be deployed on the Northeast Corridor and 97
9 outside the Northeast Corridor.

10 (3) \$11,292,000 for the hiring of 250 security
11 officers, of whom 147 would be deployed on the
12 Northeast Corridor and 103 outside the Northeast
13 Corridor.

14 (4) \$1,828,000 for the hiring of 20 canine
15 bomb teams, of which 14 are to be deployed outside
16 the Northeast Corridor and 10 are to be deployed to
17 mail and express facilities.

18 (5) \$30,761,000 for 90 infrastructure security
19 inspectors to inspect the rights-of-way, bridges,
20 buildings, tunnels, communications and signaling
21 equipment, fencing, gates, barriers, lighting, cat-
22 enary system, and other security features, of which
23 \$21,000,000 is to be obligated or expended on the
24 Northeast Corridor and \$10,000,000 is to be obli-
25 gated or expended outside the Northeast Corridor.

1 (6) \$2,990,000 to expand aviation capabilities
2 for security coverage and patrol capabilities, includ-
3 ing equipment, staff, and facilities, of which
4 \$997,000 is to be obligated or expended on the
5 Northeast Corridor and \$1,993,000 is to be obli-
6 gated or expended outside the Northeast Corridor.

7 (7) \$1,095,000 for the leasing of 150 vehicles
8 and 10 bicycles to support patrol capabilities, of
9 which \$569,000 is to be obligated or expended on
10 the Northeast Corridor and \$526,000 is to be obli-
11 gated or expended outside the Northeast Corridor.

12 (8) \$669,000 for 6 management level positions
13 with responsibility for direction, control, implemen-
14 tation, and monitoring of security systems, including
15 the deployment of the 250 security officers through-
16 out the Amtrak system, of which \$446,000 is to be
17 obligated or expended on the Northeast Corridor and
18 \$223,000 is to be obligated or expended outside the
19 Northeast Corridor.

20 (9) \$980,000 for applicant background inves-
21 tigations, of which 50 percent shall be obligated or
22 expended on the Northeast Corridor and 50 percent
23 shall be obligated or expended outside the Northeast
24 Corridor.

1 (10) \$457,000 for rapid response teams to re-
2 spond to and prepare for on-site consequence man-
3 agement, all of which shall be obligated or expended
4 outside the Northeast Corridor.

5 (c) EQUIPMENT SECURITY.—

6 (1) IN GENERAL.—The following amounts are
7 authorized to be appropriated to the Secretary of
8 Transportation for the use of Amtrak for fiscal year
9 2003:

10 (A) \$1,755,000 to provide two-way com-
11 munication devices for all Amtrak conductors.

12 (B) \$3,000,000 for 2 mobile emergency
13 command and communication units and rapid
14 response teams, 1 to be located in the Midwest
15 and 1 on the West Coast.

16 (C) \$651,000 for 200 to 400 radioactive
17 material detectors to be deployed system-wide,
18 of which \$231,000 is to be obligated or ex-
19 pended on the Northeast Corridor and
20 \$420,000 is to be obligated or expended outside
21 the Northeast Corridor.

22 (D) \$4,000,000 for hand-held bomb detec-
23 tors for use by police to inspect baggage and
24 packages.

1 (E) \$1,400,000 to screen express packages
2 before being placed on trains.

3 (F) \$1,305,000 for secure locking devices
4 on mail and express cars that have satellite-
5 monitoring capability.

6 (G) \$10,234,000 for video recording sys-
7 tems on road locomotives, of which \$4,859,000
8 is to be obligated or expended on the Northeast
9 Corridor and \$5,375,000 is to be obligated or
10 expended outside the Northeast Corridor.

11 (H) \$6,712,000 to acquire and install sat-
12 ellite-based technology to shut down any loco-
13 motive that is not under the control of its crew.

14 (I) \$4,320,000 to install 10 new commu-
15 nications stations to enable radio communica-
16 tions in remote locations and 12 satellite receiv-
17 ers.

18 (J) \$4,000,000 for 4 self-propelled high-
19 speed rail cars designated for selective patrol
20 and enforcement functions, including critical in-
21 cident response, dignitary protection, and roving
22 rail security inspections.

23 (2) ALLOCATION.—Except as provided in sub-
24 paragraphs (B), (C), and (G) of paragraph (1), 50
25 percent of any amounts appropriated pursuant to

1 paragraph (1) shall be obligated or expended on the
2 Northeast Corridor and 50 percent of such amounts
3 shall be obligated or expended outside the Northeast
4 Corridor.

5 (d) AVAILABILITY OF FUNDS.—Amounts appro-
6 priated pursuant to subsections (a), (b), and (c) shall re-
7 main available until expended.

8 (e) PROHIBITION ON USE OF EQUIPMENT FOR EM-
9 PLOYMENT-RELATED PURPOSES.—An employer may not
10 use closed circuit television cameras purchased with
11 amounts authorized by this section for employee discipli-
12 nary or monitoring purposes unrelated to transportation
13 security.

14 **SEC. 102. STUDY OF FOREIGN RAIL TRANSPORT SECURITY**
15 **PROGRAMS.**

16 (a) REQUIREMENT FOR STUDY.—Not later than
17 June 1, 2003, the Comptroller General shall carry out a
18 study of the rail passenger transportation security pro-
19 grams that are carried out for rail transportation systems
20 in Japan, member nations of the European Union, and
21 other foreign countries.

22 (b) PURPOSE.—The purpose of the study shall be to
23 identify effective rail transportation security measures
24 that are in use in foreign rail transportation systems, in-

1 cluding innovative measures and screening procedures de-
2 termined effective.

3 (c) REPORT.—The Comptroller General shall submit
4 a report on the results of the study to Congress. The re-
5 port shall include the Comptroller General's assessment
6 regarding whether it is feasible to implement within the
7 United States any of the same or similar security meas-
8 ures that are determined effective under the study.

9 **SEC. 103. PASSENGER, BAGGAGE, AND CARGO SCREENING.**

10 (a) REQUIREMENT FOR STUDY AND REPORT.—The
11 Secretary of Transportation shall—

12 (1) study the cost and feasibility of requiring
13 security screening for all passengers, baggage, and
14 mail, express, and other cargo on Amtrak trains;
15 and

16 (2) report the results of the study, together
17 with any recommendations that the Secretary may
18 have for implementing a rail security screening pro-
19 gram to the Committee on Commerce, Science, and
20 Transportation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives one year after the date of enactment
23 of this Act.

24 (b) PILOT PROGRAM.—As part of the study under
25 subsection (a), the Secretary shall conduct a pilot program

1 of random security screening of passengers and baggage
2 at 5 of the 10 busiest passenger rail stations served by
3 Amtrak (measured by the average number of boardings
4 of Amtrak passenger trains) and at up to five additional
5 rail stations served by Amtrak that are selected by the
6 Secretary. In selecting the additional train stations the
7 Secretary shall attempt to achieve a distribution of partici-
8 pating stations in terms of geographic location and size.

9 **SEC. 104. RAIL SECURITY.**

10 (a) SECRETARY OF TRANSPORTATION.—Section
11 20103(a) is amended by striking “safety” and inserting
12 “safety, including the security of railroad operations,”.

13 (b) RAIL POLICE OFFICERS.—Section 28101 is
14 amended by striking “the rail carrier” each place it ap-
15 pears and inserting “any rail carrier”.

16 (c) REVIEW OF RAIL REGULATIONS.—Within 180
17 days after the date of enactment of this Act, the Secretary
18 of Transportation, in consultation with the Federal Rail-
19 road Administration’s Rail Safety Advisory Committee,
20 shall review existing rail regulations of the Department
21 of Transportation for the purpose of identifying areas in
22 which those regulations need to be revised to improve rail
23 safety and security.

1 **SEC. 105. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
2 **MENT.**

3 (a) IN GENERAL.—

4 (1) ASSESSMENT.—The Secretary of Transpor-
5 tation shall assess the security risks associated with
6 rail transportation and develop prioritized rec-
7 ommendations for—

8 (A) improving the security of rail tunnels,
9 rail bridges, rail switching areas, and other
10 areas identified by the Secretary as posing sig-
11 nificant rail-related risks to public safety and
12 the movement of interstate commerce, taking
13 into account the impact that any proposed secu-
14 rity measure might have on the provision of rail
15 service;

16 (B) the deployment of chemical and bio-
17 logical weapon detection equipment;

18 (C) dealing with the immediate and long-
19 term economic impact of measures that may be
20 required to address those risks; and

21 (D) training employees in terrorism re-
22 sponse activities.

23 (2) EXISTING PRIVATE AND PUBLIC SECTOR
24 EFFORTS.—The assessment shall include a review of
25 any actions already taken to address identified secu-
26 rity issues by both public and private entities.

1 (3) RAILROAD CROSSING DELAYS.—The Sec-
2 retary shall include in the assessment an analysis of
3 the risks to public safety and to the security of rail
4 transportation that are associated with long delays
5 in the movement of trains that have stopped on rail-
6 road grade crossings of highways, streets, and other
7 roads for motor vehicle traffic, especially in major
8 metropolitan areas. The Secretary shall include in
9 the recommendations developed under paragraph (1)
10 recommended actions for preventing such delays and
11 reducing the risks identified in the analysis.

12 (b) CONSULTATION; USE OF EXISTING RE-
13 SOURCES.—In carrying out the assessment required by
14 subsection (a), the Secretary shall—

15 (1) consult with rail management, rail labor,
16 and public safety officials (including officials respon-
17 sible for responding to emergencies); and

18 (2) utilize, to the maximum extent feasible, the
19 resources and assistance of—

20 (A) the Federal Railroad Administration's
21 Rail Safety Advisory Committee; and

22 (B) the Transportation Research Board of
23 the National Academy of Sciences.

24 (c) REPORT.—

1 (1) CONTENTS.—Within 180 days after the
2 date of enactment of this Act, the Secretary shall
3 transmit to the Senate Committee on Commerce,
4 Science, and Transportation and the House of Rep-
5 resentatives Committee on Transportation and In-
6 frastructure a report, without compromising national
7 security, containing—

8 (A) the assessment and prioritized rec-
9 ommendations required by subsection (a); and

10 (B) any proposals the Secretary deems ap-
11 propriate for providing Federal financial, tech-
12 nological, or research and development assist-
13 ance to railroads to assist the railroads in re-
14 ducing the likelihood, severity, and con-
15 sequences of deliberate acts of crime or ter-
16 rorism toward rail employees, rail passengers,
17 rail shipments, or rail property.

18 (2) FORMAT.—The Secretary may submit the
19 report in both classified and redacted formats if the
20 Secretary determines that such action is appropriate
21 or necessary.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Secretary
24 \$5,000,000 for fiscal year 2003 to carry out this section,
25 such sums to remain available until expended.

1 **TITLE II—INTERSTATE RAIL-**
2 **ROAD PASSENGER HIGH-**
3 **SPEED TRANSPORTATION**
4 **SYSTEM**

5 **SEC. 201. INTERSTATE RAILROAD PASSENGER HIGH-SPEED**
6 **TRANSPORTATION POLICY.**

7 (a) IN GENERAL.—Chapter 261 is amended by insert-
8 ing before section 26101 the following:

9 **“§ 26100. Policy.**

10 “(a) IN GENERAL.—The Congress declares that it
11 is the policy of the United States that designated high-
12 speed railroad passenger transportation corridors are the
13 building blocks of an interconnected interstate railroad
14 passenger system that serves the entire Nation.

15 “(b) SECRETARY REQUIRED TO ESTABLISH NA-
16 TIONAL HIGH-SPEED GROUND TRANSPORTATION POL-
17 ICY.—The Secretary of Transportation shall establish the
18 national high-speed ground transportation policy required
19 by section 309(e)(1) of this title no later than December
20 31, 2002.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) The chapter analysis for chapter 261 is
23 amended by inserting before the item relating to sec-
24 tion 26101 the following:

“26100. Policy”.

1 (2) Section 309(e)(1) is amended by striking
2 “Within 12 months after the submission of the
3 study required by subsection (d),” and inserting “No
4 later than December 31, 2002,”.

5 **SEC. 202. HIGH-SPEED RAIL CORRIDOR PLANNING.**

6 (a) IN GENERAL.—Section 26101(a) is amended to
7 read as follows:

8 “(a) PLANNING.—

9 “(1) IN GENERAL.—The Secretary of Transpor-
10 tation shall provide planning assistance to States or
11 group of States and other public agencies promoting
12 the development of high-speed rail corridors des-
13 ignated by the Secretary under section 104(d) of
14 title 23.

15 “(2) SECRETARY MAY PROVIDE DIRECT OR FI-
16 NANCIAL ASSISTANCE.—The Secretary may provide
17 planning assistance under paragraph (1) directly or
18 by providing financial assistance to a public agency
19 or group of public agencies to undertake planning
20 activities approved by the Secretary.

21 “(3) 100 PERCENT FEDERAL FUNDING.—The
22 Secretary may not require any portion of the pub-
23 licly financed costs associated with eligible activities
24 to come from non-Federal sources.

1 “(4) PRIORITIES TO CHICAGO, ATLANTA, AND
2 DALLAS/FORT WORTH.—In determining projects to
3 be undertaken pursuant to this paragraph, the Sec-
4 retary shall give the highest priorities to undertaking
5 planning in the vicinity of Union Station in Chicago,
6 Illinois, in metropolitan Atlanta, Georgia, and in the
7 Dallas/Fort Worth, Texas, area.”.

8 (b) CONFORMING AND OTHER AMENDMENTS TO
9 SECTION 26101.—Section 26101 is further amended—

10 (1) by striking subsection (c)(2) and inserting
11 the following:

12 “(2) the extent to which the proposed planning
13 focuses on high-speed rail systems, giving a priority
14 to systems which will achieve sustained speeds of
15 125 miles per hour or greater and projects involving
16 dedicated rail passenger rights-of-way;”;

17 (2) by inserting “and” after the semicolon in
18 subsection (c)(12);

19 (3) by striking “completed; and” in subsection
20 (c)(13) and inserting “completed.”;

21 (4) by striking subsection (c)(14); and

22 (5) by adding at the end the following:

23 “(d) OPERATORS AND CERTAIN SERVICE PROVIDERS
24 DEEMED RAIL CARRIERS.—A person that conducts rail
25 operations, or performs catering, cleaning, construction,

1 maintenance or other services for rail operations, funded
2 or otherwise receiving assistance under this section is
3 deemed to be a rail carrier for purposes of part A of sub-
4 title IV, when so operating or performing such services.”.

5 (c) CONFORMING AMENDMENT.—Section 511(n)(1)
6 of the Railroad Revitalization and Regulatory Reform Act
7 of 1976 (45 U.S.C. 831(n)(1)) is amended by striking
8 “125” and inserting “90”.

9 (d) FINANCIAL ASSISTANCE TO INCLUDE LOANS
10 AND LOAN GUARANTEES.—Section 26105(1) is amended
11 by inserting “loans, loan guarantees,” after “contracts,”.

12 (e) REINVESTMENT OF NON-PASSENGER OPERATING
13 PROFIT.—Amtrak shall invest any revenue from non-pas-
14 senger operations in capital needs outside the Northeast
15 Corridor.

16 **SEC. 203. IMPLEMENTATION ASSISTANCE.**

17 (a) IN GENERAL.—Chapter 261 is amended by in-
18 serting after section 26101 the following:

19 **“§ 26101A. Implementation of corridor plans**

20 “(a) IMPLEMENTATION ASSISTANCE.—

21 “(1) IN GENERAL.—The Secretary of Transpor-
22 tation shall provide implementation assistance to
23 States or group of States and other public agencies
24 promoting the development of high-speed rail cor-
25 ridors designated by the Secretary under section

1 104(d) of title 23. The Secretary shall establish an
2 application and qualification process and, before pro-
3 viding assistance under this section, make a deter-
4 mination on the record that the applicant is quali-
5 fied and eligible for assistance under this section.

6 “(2) SECRETARY MAY PROVIDE DIRECT OR FI-
7 NANCIAL ASSISTANCE.—The Secretary may provide
8 implementation assistance under paragraph (1) di-
9 rectly or by providing financial assistance to a public
10 agency or group of public agencies to undertake im-
11 plementation activities approved by the Secretary.

12 “(3) 100 PERCENT FEDERAL SHARE.—The Sec-
13 retary may not require any portion of the publicly fi-
14 nanced costs associated with eligible activities to
15 come from non-Federal sources.

16 “(4) CONTRIBUTION OF LAND.—Notwith-
17 standing paragraph (3), the Secretary may accept
18 land contributed by a State for right-of-way, without
19 regard to whether the State acquired the land di-
20 rectly or indirectly through the use of Federal funds,
21 including transfers from the Highway Trust Fund
22 under section 9503 of the Internal Revenue Code of
23 1986.

24 “(5) PRIORITIES TO CHICAGO, ATLANTA, AND
25 DALLAS/FORT WORTH.—In determining projects to

1 be undertaken pursuant to this subsection, the Sec-
2 retary shall give the highest priorities to undertaking
3 implementation assistance in the vicinity of Union
4 Station in Chicago, Illinois, in metropolitan Atlanta,
5 Georgia, and in the Dallas/Fort Worth, Texas, area.

6 “(6) SPECIAL TRANSPORTATION CIR-
7 CUMSTANCES.—In carrying out this section, the Sec-
8 retary shall allocate an appropriate portion of the
9 amounts available for implementation assistance to
10 providing appropriate related assistance in any State
11 the rail transportation system of which—

12 “(A) is not physically connected to rail sys-
13 tems in the continental United States; and

14 “(B) may not otherwise qualify for high-
15 speed rail implementation assistance due to the
16 constraints imposed on the railway infrastruc-
17 ture in that State due to the unique character-
18 istics of the geography of that State or other
19 relevant considerations, as determined by the
20 Secretary.

21 “(b) ELIGIBLE IMPLEMENTATION ACTIVITIES.—The
22 following activities are eligible for implementation assist-
23 ance under subsection (a):

24 “(1) Security planning and the acquisition of
25 security and emergency response equipment.

1 “(2) Operating expenses.

2 “(3) Infrastructure acquisition and construction
3 of track and facilities.

4 “(4) Highway-rail grade crossing eliminations
5 and improvements.

6 “(5) Acquisition of rights-of-way, locomotives,
7 rolling stock, track, and signal equipment.

8 “(c) CRITERIA FOR DETERMINING ASSISTANCE FOR
9 IMPLEMENTATION ACTIVITIES.—The Secretary, in select-
10 ing recipients of assistance under subsection (a), shall—

11 “(1) encourage the use of positive train control
12 technologies;

13 “(2) require that any project meet any existing
14 safety regulations, and give preference to any project
15 determined by the Secretary to have particularly
16 high levels of safety;

17 “(3) encourage intermodal connectivity by locat-
18 ing train stations in or near airports, bus terminals,
19 subway stations, ferry ports, and other modes of
20 transportation; and

21 “(4) ensure a general regional balance in pro-
22 viding such assistance and avoid the concentration
23 of a disproportionate dedication of available financial
24 assistance resources to a single project or region of
25 the country.

1 “(d) OPERATORS AND CERTAIN SERVICE PROVIDERS
2 DEEMED RAIL CARRIERS.—A person that conducts rail
3 operations, or performs catering, cleaning, construction,
4 maintenance or other services for rail operations, funded
5 or otherwise receiving assistance under this section is
6 deemed to be a rail carrier for purposes of part A of sub-
7 title IV, when so operating or performing such services.”.

8 (b) RULEMAKING REQUIRED.—Within 90 days after
9 the date of enactment of this Act, the Secretary of Trans-
10 portation shall initiate a rulemaking to create an applica-
11 tion and qualification procedure for providing high-speed
12 rail corridor implementation assistance under section
13 26101A of title 49, United States Code.

14 (c) CONFORMING AMENDMENT.—The chapter anal-
15 ysis for chapter 261 is amended by inserting after the item
16 relating to section 26101 the following:

“26101A. Implementation of corridor plans”.

17 **SEC. 204. DESIGNATED HIGH-SPEED RAIL CORRIDORS.**

18 (a) IN GENERAL.—The Secretary of Transportation
19 shall give priority in allocating funds authorized by section
20 26104 of title 49, United States Code, to designated high-
21 speed rail corridors.

22 (b) DESIGNATED HIGH-SPEED RAIL CORRIDORS.—
23 For purposes of subsection (a), the following shall be con-
24 sidered to be designated high-speed rail corridors:

1 (1) California Corridor connecting the San
2 Francisco Bay area and Sacramento to Los Angeles
3 and San Diego.

4 (2) Chicago Hub Corridor Network with the fol-
5 lowing spokes:

6 (A) Chicago to Detroit.

7 (B) Chicago to Minneapolis/St. Paul, Min-
8 nesota, via Milwaukee, Wisconsin.

9 (C) Chicago to Kansas City, Missouri, via
10 Springfield, Illinois, and St. Louis, Missouri.

11 (D) Chicago to Louisville, Kentucky, via
12 Indianapolis, Indiana, and Cincinnati, Ohio.

13 (E) Chicago to Cleveland, Ohio, via Toledo,
14 Ohio.

15 (F) Cleveland, Ohio, to Cincinnati, Ohio,
16 via Columbus, Ohio.

17 (3) Empire State Corridor from New York City,
18 New York, through Albany, New York, to Buffalo,
19 New York.

20 (4) Florida High-Speed Rail Corridor from
21 Tampa through Orlando to Miami.

22 (5) Gulf Coast Corridor from Houston Texas,
23 through New Orleans, Louisiana, to Mobile, Ala-
24 bama, with a branch from New Orleans, through

1 Meridian, Mississippi, and Birmingham, Alabama, to
2 Atlanta, Georgia.

3 (6) Keystone Corridor from Philadelphia, Penn-
4 sylvania, through Harrisburg, Pennsylvania, to
5 Pittsburgh, Pennsylvania.

6 (7) Northeast Corridor from Washington, Dis-
7 trict of Columbia, through New York City, New
8 York, New Haven, Connecticut, and Providence,
9 Rhode Island, to Boston, Massachusetts, with a
10 branch from New Haven, Connecticut, to Spring-
11 field, Massachusetts.

12 (8) New England Corridor from Boston, Massa-
13 chusetts, to Portland and Auburn, Maine, and from
14 Boston, Massachusetts, through Concord, New
15 Hampshire, and Montpelier, Vermont, to Montreal,
16 Quebec.

17 (9) Pacific Northwest Corridor from Eugene,
18 Oregon, through Portland, Oregon, and Seattle,
19 Washington, to Vancouver, British Columbia.

20 (10) South Central Corridor from San Antonio,
21 Texas, through Dallas/ Fort Worth to Little Rock,
22 Arkansas, with a branch from Dallas/Fort Worth
23 through Oklahoma City, Oklahoma, to Tulsa, Okla-
24 homa.

1 (11) Southeast Corridor from Washington, Dis-
2 trict of Columbia, through Richmond, Virginia, Ra-
3 leigh, North Carolina, Columbia, South Carolina,
4 Savannah, Georgia, and Jessup, Georgia, to Jack-
5 sonville, Florida, with—

6 (A) a branch from Raleigh, North Caro-
7 lina, through Charlotte, North Carolina, and
8 Greenville, South Carolina, to Atlanta, Georgia;
9 a branch from Richmond, to Hampton Roads/
10 Norfolk, Virginia;

11 (B) a branch from Charlotte, North Caro-
12 lina, to Columbia, South Carolina, to Charles-
13 ton, South Carolina;

14 (C) a connecting route from Atlanta, Geor-
15 gia, to Jessup, Georgia;

16 (D) a connecting route from Atlanta, Geor-
17 gia, to Charleston, South Carolina; and

18 (E) a branch from Raleigh, North Caro-
19 lina, through Florence, South Carolina, to
20 Charleston, South Carolina, and Savannah,
21 Georgia, with a connecting route from Florence,
22 South Carolina, to Myrtle Beach, South Caro-
23 lina.

24 (12) Southwest Corridor from Los Angeles,
25 California, to Las Vegas, Nevada.

1 (c) OTHER HIGH-SPEED RAIL CORRIDORS.—For
2 purposes of this section, subsection (b)—

3 (1) does not limit the term “designated high-
4 speed rail corridor” to those corridors described in
5 subsection (b); and

6 (2) does not limit the Secretary of Transpor-
7 tation’s authority—

8 (A) to designate additional high-speed rail
9 corridors; or

10 (B) to terminate the designation of any
11 high-speed rail corridor.

12 **SEC. 205. LABOR STANDARDS.**

13 (a) EMPLOYEE PROTECTION.—The Secretary of
14 Transportation shall require as a condition of any project
15 financed in whole or in part by funds authorized by this
16 Act that the project be conducted in a manner that pro-
17 vides a fair arrangement at least as protective of the inter-
18 ests of employees who are affected by the project so fund-
19 ed as the terms imposed under arrangements reached
20 under section 141 of the Amtrak Reform and Account-
21 ability Act of 1997 (49 U.S.C. 24706 note) on rail car-
22 riers.

23 (b) LABOR STANDARDS.—

24 (1) PREVAILING WAGES.—The Secretary or
25 Transportation—

1 (A) shall ensure that laborers and mechan-
2 ics employed by contractors and subcontractors
3 in construction work financed in whole or in
4 part by funds authorized by this Act will be
5 paid wages not less than those prevailing on
6 similar construction in the locality, as deter-
7 mined by the Secretary of Labor under the Act
8 of March 3, 1931 (known as the Davis-Bacon
9 Act; 40 U.S.C. 276a et seq.); and

10 (B) may make such funds available with
11 respect to construction work only after being
12 assured that required labor standards will be
13 maintained on the construction work.

14 (2) WAGE RATES.—Wage rates in a collective
15 bargaining agreement negotiated under the Railway
16 Labor Act (45 U.S.C. 151 et seq.) are deemed for
17 purposes of this subsection to comply with the Act
18 of March 3, 1931 (known as the Davis-Bacon Act;
19 40 U.S.C. 276a et seq.).

20 **SEC. 206. RAILWAY-HIGHWAY CROSSINGS IN HIGH-SPEED**
21 **RAIL CORRIDORS.**

22 (a) IN GENERAL.—The entire cost of construction of
23 projects for the elimination of hazards of railway-highway
24 crossings in designated high-speed rail corridors, including
25 the separation or protection of grades at crossings, the

1 reconstruction of existing railroad grade crossing struc-
2 tures, and the relocation of highways to eliminate grade
3 crossings, may be paid from sums authorized by sub-
4 section (k). In any case when the elimination of the haz-
5 ards of a railway-highway crossing can be effected by the
6 relocation of a portion of a railway at a cost estimated
7 by the Secretary of Transportation to be less than the cost
8 of such elimination by one of the methods mentioned in
9 the first sentence of this section, then the entire cost of
10 such relocation project may be paid from sums authorized
11 by subsection (k).

12 (b) CLASSIFICATION OF PROJECTS.—The Secretary
13 may classify the various types of projects involved in the
14 elimination of hazards of high-speed rail corridor railway-
15 highway crossings, and may set for each such classifica-
16 tion a percentage of the costs of construction which shall
17 be deemed to represent the net benefit to the railroad or
18 railroads for the purpose of determining the railroad's
19 share of the cost of construction. The percentage so deter-
20 mined shall in no case exceed 10 per cent of such costs.
21 The Secretary shall determine the appropriate classifica-
22 tion of each project.

23 (c) LIABILITY OF RAILROAD.—Any railroad involved
24 in a project for the elimination of hazards of railway-high-
25 way crossings paid for in whole or in part from sums made

1 available under this section shall be liable to the United
2 States for the net benefit to the railroad determined under
3 the classification of such project made under subsection
4 (b). That liability to the United States may be discharged
5 by direct payment to the State transportation department
6 of the State in which the project is located, in which case
7 such payment shall be credited to the cost of the project.
8 The payment may consist in whole or in part of materials
9 and labor furnished by the railroad in connection with the
10 construction of the project. If any such railroad fails to
11 discharge such liability within a 6-month period after com-
12 pletion of the project, it shall be liable to the United States
13 for its share of the cost, and the Secretary shall request
14 the Attorney General to institute proceedings against such
15 railroad for the recovery of the amount for which it is lia-
16 ble under this subsection. The Attorney General is author-
17 ized to bring such proceedings on behalf of the United
18 States, in the appropriate district court of the United
19 States, and the United States shall be entitled in such pro-
20 ceedings to recover such sums as it is considered and ad-
21 judged by the court that such railroad is liable for in the
22 premises. Any amounts recovered by the United States
23 under this subsection shall be credited to miscellaneous
24 receipts.

1 (d) SURVEY AND SCHEDULE OF PROJECTS.—Each
2 State shall conduct and systematically maintain a survey
3 of all high-speed rail corridor railway-highway crossings
4 to identify those railroad crossings which may require sep-
5 aration, relocation, or protective devices, and establish and
6 implement a schedule of projects for this purpose.

7 (e) FUNDS FOR PROTECTIVE DEVICES.—The Sec-
8 retary shall give priority under this section to the elimi-
9 nation of high-speed rail corridor railway-highway grade
10 crossings, but shall make funds authorized for obligation
11 or expenditure under this section available for the installa-
12 tion of protective devices at high-speed rail corridor rail-
13 way-highway crossings where appropriate.

14 (f) APPORTIONMENT.—The Secretary shall apportion
15 funds available for obligation and expenditure under this
16 section between high-speed rail corridor railway-highway
17 crossings on the Northeast Corridor and such crossings
18 outside the Northeast Corridor in an equitable fashion,
19 taking into account traffic volume, traffic patterns, fre-
20 quency of trains, adequacy of existing hazard warnings,
21 and such other factors as the Secretary deems appro-
22 priate.

23 (g) ANNUAL REPORT.—The Secretary shall report to
24 the Senate Committee on Commerce, Science, and Trans-
25 portation and the House of Representatives Committee on

1 Transportation and Infrastructure not later than Decem-
2 ber 30 of each year on the progress being made to imple-
3 ment the railway-highway crossings program authorized
4 by this section and the effectiveness of such improvements.
5 Each report shall contain an assessment of the costs of
6 the various treatments employed and subsequent accident
7 experience at improved locations. The report shall
8 include—

9 (1) the number of projects undertaken, their
10 distribution by cost range, road system, nature of
11 treatment, and subsequent accident experience at
12 improved locations;

13 (2) an analysis and evaluation of the program
14 activities in each State, including identification of
15 any State found not to be in compliance with the
16 schedule of improvements required by subsection (d);
17 and

18 (3) recommendations for future implementation
19 of the railway-highway crossings program under this
20 section and section 130 of title 23, United States
21 Code.

22 (h) USE OF FUNDS FOR MATCHING.—Funds author-
23 ized to be appropriated to carry out this section may be
24 used to provide a local government with funds to be used
25 on a matching basis when State funds are available which

1 may only be spent when the local government produces
2 matching funds for the improvement of railway-highway
3 crossings.

4 (i) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING
5 CLOSURES.—

6 (1) IN GENERAL.—Notwithstanding any other
7 provision of this section and subject to paragraphs
8 (2) and (3), the Secretary may make incentive pay-
9 ments to a local government upon the permanent
10 closure by such government of public at-grade high-
11 speed rail corridor railway-highway crossings under
12 its jurisdiction.

13 (2) INCENTIVE PAYMENTS BY RAILROADS.—
14 The Secretary may not make an incentive payment
15 under paragraph (1) to a local government with re-
16 spect to the closure of a crossing unless the railroad
17 owning the tracks on which the crossing is located
18 makes an incentive payment to the government with
19 respect to the closure.

20 (3) AMOUNT OF FEDERAL INCENTIVE PAY-
21 MENT.—The amount of the incentive payment pay-
22 able to a local government under paragraph (1) with
23 respect to a crossing may not exceed the lesser of—

24 (A) the amount of the incentive payment
25 paid to the government with respect to the

1 crossing by the railroad concerned under para-
2 graph (2); or

3 (B) \$ 7,500.

4 (j) COORDINATION WITH TITLE 23 PROGRAM.—In
5 carrying out this section, the Secretary shall—

6 (1) implement this section in accordance with
7 the classification of projects and railroad share of
8 the cost as provided in section 646.210 of title 23,
9 Code of Federal Regulations; and

10 (2) coordinate the administration of this section
11 with the program established by section 130 of title
12 23, United States Code, in order to avoid duplication
13 of effort and to ensure the effectiveness of both pro-
14 grams.

15 (k) FUNDING.—Not less than 10 percent of the
16 amounts appropriated for each fiscal year to carry out sec-
17 tion 26101A shall be obligated or expended to carry out
18 this section.

19 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 26104 is amended to read as follows:

21 **“§ 26104. Authorization of appropriations**

22 “(a) FISCAL YEARS 2003 THROUGH 2008.—There
23 are authorized to be appropriated to the Secretary for
24 each of fiscal years 2003 through 2008—

1 “(1) \$25,000,000 for carrying out section
2 26101;

3 “(2) \$1,500,000,000 for carrying out section
4 26101A; and

5 “(3) \$25,000,000 for carrying out section
6 26102.

7 “(b) FUNDS TO REMAIN AVAILABLE.—Funds made
8 available under this section shall remain available until ex-
9 pended.

10 “(c) SPECIAL RULE.—Except as specifically provided
11 in section 26101, 26101A, or 26102, no amount author-
12 ized by subsection (a) may be used for obligation or ex-
13 penditure on the Boston-to-Washington segment of the
14 Northeast Corridor while that segment is receiving Fed-
15 eral funds for capital or operating expenses.”.

16 **TITLE III—NATIONAL RAILROAD** 17 **PASSENGER CORPORATION**

18 **SEC. 301. NATIONAL RAILROAD PASSENGER TRANSPOR-** 19 **TATION SYSTEM DEFINED.**

20 (a) IN GENERAL.—Section 24102 is amended—

21 (1) by striking paragraph (2);

22 (2) by redesignating paragraphs (3), (4), and

23 (5) as paragraphs (2), (3), and (4), respectively; and

24 (3) by inserting after paragraph (4) as so re-
25 designated the following:

1 “(5) ‘national rail passenger transportation sys-
2 tem’ means—

3 “(A) the spine of the Northeast Corridor
4 between Boston, Massachusetts and Wash-
5 ington, D.C.;

6 “(B) rail corridors that have been des-
7 igned by the Secretary of Transportation as
8 high-speed corridors, but only after they have
9 been improved to permit operation of high-
10 speed service;

11 “(C) long-distance routes of more than
12 750 miles between endpoints operated by Am-
13 trak as of the date of enactment of the Na-
14 tional Defense Rail Act; and

15 “(D) short-distance corridors or routes op-
16 erated as of the date of enactment of the Na-
17 tional Defense Rail Act, unless discontinued by
18 Amtrak.”.

19 (b) AMTRAK ROUTES WITH STATE FUNDING.—

20 (1) IN GENERAL.—Chapter 247 is amended by
21 inserting after section 27101 the following:

22 **“§ 24702. Transportation requested by States, au-**
23 **thorities, and other persons**

24 “(a) CONTRACTS FOR TRANSPORTATION.—Amtrak
25 and a State, a regional or local authority, or another per-

1 son may enter into a contract for Amtrak to operate an
2 intercity rail service or route not included in the national
3 rail passenger transportation system upon such terms as
4 the parties thereto may agree.

5 “(b) DISCONTINUANCE.—Upon termination of a con-
6 tract entered into under this section, or the cessation of
7 financial support under such a contract, Amtrak may dis-
8 continue such service or route, notwithstanding any other
9 provision of law.”.

10 (2) CONFORMING AMENDMENT.—The chapter
11 analysis for chapter 247 is amended by inserting
12 after the item relating to section 24701 the fol-
13 lowing:

“24702. Transportation requested by States, authorities, and other persons”.

14 **SEC. 302. EXTENSION OF AUTHORIZATION.**

15 (a) IN GENERAL.—Section 24104(a) is amended—

16 (1) by striking “and” in paragraph (4);

17 (2) by striking “2002,” in paragraph (5) and
18 inserting “2002; and”; and

19 (3) by inserting after paragraph (5) the fol-
20 lowing:

21 “(6) such sums as are authorized by this title
22 and by the National Defense Rail Act for fiscal
23 years 2003 through 2007,”.

24 (b) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

1 (1) TITLE 49 AMENDMENTS.—Chapter 241 is
2 amended—

3 (A) by striking the last sentence of section
4 24101(d); and

5 (B) by striking the last sentence of section
6 24104(a).

7 (2) AMTRAK REFORM AND ACCOUNTABILITY
8 ACT AMENDMENTS.—Title II of the Amtrak Reform
9 and Accountability Act of 1997 (49 U.S.C. 24101
10 nt) is amended by striking sections 204 and 205.

11 (3) COMMON STOCK REDEMPTION DATE.—Sec-
12 tion 415 of the Amtrak Reform and Accountability
13 Act of 1997 (49 U.S.C. 24304 nt) is amended by
14 striking subsection (b).

15 (c) LEASE ARRANGEMENTS.—Amtrak may obtain
16 services from the Administrator of General Services, and
17 the Administrator may provide services to Amtrak, under
18 section 201(b) and 211(b) of the Federal Property and
19 Administrative Service Act of 1949 (40 U.S.C. 481(b) and
20 491(b)) for fiscal year 2003 and each fiscal year there-
21 after.

22 (d) MISCELLANEOUS AMTRAK-RELATED AMEND-
23 MENTS.—

1 (1) FINANCIAL POWERS.—Section 415(d) of the
2 Amtrak Reform and Accountability Act of 1997 by
3 adding at the end the following:

4 “(3) This section does not affect the applica-
5 bility of section 3729 of title 31, United States
6 Code, to claims made against Amtrak.”.

7 (2) APPLICATION OF D.C. CORPORATION ACT.—
8 Section 24301(e) is amended by striking “title 5,
9 this part, and, to the extent consistent with this
10 part, the District of Columbia Corporation Act (D.C.
11 Code 29-301 et seq.)” and inserting “title 5 and this
12 part”.

13 (3) APPLICATION OF BUY AMERICAN ACT.—Sec-
14 tion 24305(f) is amended to read as follows:

15 “(f) DOMESTIC BUYING PREFERENCES.—The Buy
16 American Act (41 U.S.C. 10a) and section 301 of the
17 Trade Agreements Act of 1979 (19 U.S.C. 2511) apply
18 to Amtrak.”.

19 **SEC. 303. ADDITIONAL AMTRAK AUTHORIZATIONS.**

20 (a) EXCESS RRTA.—There are authorized to be ap-
21 propriated to the Secretary of Transportation for the use
22 of Amtrak for fiscal year 2003, and each fiscal year there-
23 after, an amount equal to the amount Amtrak must pay
24 under section 3221 of the Internal Revenue Code of 1986
25 in fiscal years that is more than the amount needed for

1 benefits for individuals who retire from Amtrak and for
2 their beneficiaries.

3 (b) PRINCIPAL AND INTEREST PAYMENTS.—

4 (1) PRINCIPAL ON DEBT SERVICE.—There are
5 authorized to be appropriated to the Secretary of
6 Transportation for the use of Amtrak for retirement
7 of principal on loans for capital equipment, or cap-
8 ital leases, the following amounts:

9 (A) For fiscal year 2003, \$105,000,000.

10 (B) For fiscal year 2004, \$93,000,000.

11 (C) For fiscal year 2005, \$105,000,000.

12 (D) For fiscal year 2006, \$108,000,000.

13 (E) For fiscal year 2007, \$183,000,000.

14 (2) INTEREST ON DEBT.—There are authorized
15 to be appropriated to the Secretary of Transpor-
16 tation for the use of Amtrak for the payment of in-
17 terest on loans for capital equipment, or capital
18 leases, the following amounts:

19 (A) For fiscal year 2003, \$160,000,000.

20 (B) For fiscal year 2004, \$157,000,000.

21 (C) For fiscal year 2005, \$147,000,000.

22 (D) For fiscal year 2006, \$142,000,000.

23 (E) For fiscal year 2007, \$134,000,000.

24 (c) ENVIRONMENTAL COMPLIANCE.—There are au-
25 thorized to be appropriated to the Secretary of Transpor-

1 tation for the use of Amtrak for fiscal year 2003, and each
2 fiscal year thereafter, \$30,000,000, of which one-third
3 shall be obligated or expended on the Northeast Corridor
4 and two-thirds shall be obligated or expended outside the
5 Northeast Corridor, in order to comply with environmental
6 regulations.

7 (d) COMPLIANCE WITH ADA REQUIREMENTS.—

8 (1) IN GENERAL.—There are authorized to be
9 appropriated to the Secretary of Transportation for
10 the use of Amtrak for each of fiscal years 2003
11 through 2007, \$43,000,000 for access improvements
12 in facilities and stations necessary to comply with
13 the requirements of the Americans With Disabilities
14 Act of 1990 (42 U.S.C. 12162), including an initial
15 assessment of the full set of needs across the na-
16 tional rail passenger transportation system, of
17 which—

18 (A) \$10,000,000 shall be obligated or ex-
19 pended on the Northeast Corridor; and

20 (B) \$33,000,000,000 shall be obligated or
21 expended outside the Northeast Corridor, of
22 which \$15,000,000 shall be obligated or ex-
23 pended for long-distance trains.

24 (2) BEST EFFORTS REQUIREMENT.—If Amtrak
25 fails to meet the period for compliance requirement

1 imposed by section 242(e)(2)(A)(ii)(I) of the Ameri-
2 cans With Disabilities Act of 1990 (42 U.S.C.
3 12162(e)(2)(A)(ii)(I))—

4 (A) it shall not be considered discrimina-
5 tion for purposes of section 202 of that Act (42
6 U.S.C. 12132) or section 504 of the Rehabilita-
7 tion Act of 1973 (29 U.S.C. 794) if Amtrak
8 demonstrates to the satisfaction of the Sec-
9 retary of Transportation that—

10 (i) Amtrak has made substantial
11 progress toward meeting the requirements
12 of section 242(e)(2)(A)(ii)(I) of the Ameri-
13 cans With Disabilities Act of 1990 (42
14 U.S.C. 12162(e)(2)(A)(ii)(I)); and

15 (ii) Amtrak's failure to meet the pe-
16 riod of compliance requirement of that sec-
17 tion is attributable to the insufficiency of
18 appropriated funds; and

19 (B) the period for compliance under sec-
20 tion 242(e)(2)(A)(ii)(I) of the Americans With
21 Disabilities Act of 1990 (42 U.S.C.
22 12162(e)(2)(A)(ii)(I)) shall be extended until—

23 (i) sufficient funds have been appro-
24 priated to the Secretary of Transportation
25 for the use of Amtrak to enable Amtrak to

1 comply fully with the requirements of that
2 section; and
3 (ii) a reasonable period of time for the
4 completion of necessary construction so
5 funded has passed.

6 **SEC. 304. NORTHEAST CORRIDOR AUTHORIZATIONS.**

7 (a) IN GENERAL.—There are authorized to be appro-
8 priated to the Secretary of Transportation for the use of
9 Amtrak for fiscal year 2003, and each fiscal year there-
10 after, the following amounts:

11 (1) \$370,000,000 for capital backlog on infra-
12 structure on the Northeast Corridor to bring infra-
13 structure up to state-of-good-repair, including re-
14 newal of the South End electric traction system, im-
15 provements on bridges and tunnels, and interlocking
16 and signal system renewal.

17 (2) \$60,000,000 for capital backlog on fleet to
18 bring existing fleet to a state-of-good-repair, includ-
19 ing equipment replacement and upgrades necessary
20 to meet current service commitments.

21 (3) \$40,000,000 for capital backlog on stations
22 and facilities, including improvements to the facility
23 and platform at the existing Penn Station, and
24 bringing maintenance-of-way facilities up to state-of-
25 good-repair.

1 (4) \$350,000,000 for ongoing capital
2 infrastructure—

3 (A) to replace assets on a life-cycle basis;

4 (B) to ensure that a state-of-good-repair is
5 maintained in order to meet safety and reli-
6 ability standards; and

7 (C) to meet current service commitments.

8 (5) \$40,000,000 for ongoing capital fleet invest-
9 ment to sustain regularly scheduled maintenance, in-
10 cluding a 120-day cycle of preventive maintenance,
11 and heavy overhauls on a 4-year schedule, with inte-
12 rior enhancements as needed.

13 (6) \$30,000,000 for ongoing capital improve-
14 ments to stations and facilities to provide for regular
15 upgrades to stations to meet current service needs,
16 and regular improvements to maintenance-of-equip-
17 ment and maintenance-of-way facilities.

18 (7) \$20,000,000 for ongoing technology up-
19 grades of reservation, distribution, financial, and op-
20 erations systems, including hardware, software, in-
21 frastructure, and communications.

22 (b) LIFE SAFETY NEEDS.—There are authorized to
23 be appropriated to the Secretary of Transportation for the
24 use of Amtrak for fiscal year 2003:

1 (1) \$798,000,000 for the 6 New York tunnels
2 built in 1910 to provide ventilation, electrical, and
3 fire safety technology upgrades, emergency commu-
4 nication and lighting systems, and emergency access
5 and egress for passengers.

6 (2) \$57,000,000 for the Baltimore & Potomac
7 tunnel built in 1872 to provide adequate drainage,
8 ventilation, communication, lighting, and passenger
9 egress upgrades.

10 (3) \$40,000,000 for the Washington, D.C.
11 Union Station tunnels built in 1904 under the Su-
12 preme Court and House and Senate Office Buildings
13 to improve ventilation, communication, lighting, and
14 passenger egress upgrades.

15 (c) INFRASTRUCTURE UPGRADES.—There are au-
16 thorized to be appropriated to the Secretary of Transpor-
17 tation for the use of Amtrak for fiscal year 2003,
18 \$3,000,000 for the preliminary design of options for a new
19 tunnel on a different alignment to augment the capacity
20 of the existing Baltimore tunnels.

21 (d) CORRIDOR GROWTH INVESTMENT.—There are
22 authorized to be appropriated to the Secretary of Trans-
23 portation for the use of Amtrak for corridor growth invest-
24 ments in the Northeast Corridor—

25 (1) For fiscal year 2003, \$200,000,000.

1 (2) For fiscal year 2004, \$300,000,000.

2 (3) For fiscal year 2005, \$400,000,000.

3 (4) For fiscal year 2006, \$500,000,000.

4 (5) For fiscal year 2007, \$600,000,000.

5 (e) FINANCIAL CONTRIBUTION FROM OTHER TUN-
6 NEL USERS.—The Secretary shall, taking into account the
7 need for the timely completion of all life safety portions
8 of the tunnel projects described in subsection (b)—

9 (1) consider the extent to which rail carriers
10 other than Amtrak use the tunnels;

11 (2) consider the feasibility of seeking a financial
12 contribution from those other rail carriers toward
13 the costs of the projects; and

14 (3) obtain financial contributions or commit-
15 ments from such other rail carriers if feasible.

16 (f) AVAILABILITY OF FUNDS.—Amounts appro-
17 priated pursuant to this section shall remain available
18 until expended.

19 (g) REINVESTMENT OF NEC OPERATING PROFIT.—
20 Amtrak shall invest any revenue from operations in the
21 Northeast Corridor in capital needs of the corridor until
22 the backlog of capital improvements are completed under
23 Amtrak's 20-year plan.

1 **SEC. 305. LONG DISTANCE TRAINS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to the Secretary of Transportation for the use of
4 Amtrak for fiscal year 2003, and each fiscal year there-
5 after, \$360,000,000 for operating costs associated with
6 long distance trains.

7 (b) CAPITAL BACKLOG AND UPGRADES.—There are
8 authorized to be appropriated to the Secretary of Trans-
9 portation for the use of Amtrak for fiscal year 2003, and
10 each fiscal year thereafter, \$70,000,000 to reduce the cap-
11 ital backlog and to bring its existing fleet to a state-of-
12 good-repair, including equipment replacement and up-
13 grades necessary to meet current service commitments.

14 (c) ONGOING CAPITAL INFRASTRUCTURE INVEST-
15 MENTS.—There are authorized to be appropriated to the
16 Secretary of Transportation for the use of Amtrak for fis-
17 cal year 2003, and each fiscal year thereafter,
18 \$80,000,000 for ongoing capital infrastructure—

- 19 (1) to replace assets on a life-cycle basis;
- 20 (2) to ensure that a state-of-good-repair is
21 maintained in order to meet safety and reliability
22 standards;
- 23 (3) to meet current service commitments; and
- 24 (4) to provide funds for investment in partner
25 railroads to operate passenger service at currently
26 committed levels.

1 (d) CAPITAL FLEET NEEDS.—There are authorized
2 to be appropriated to the Secretary of Transportation for
3 the use of Amtrak for fiscal year 2003, and each fiscal
4 year thereafter, \$50,000,000 for ongoing capital fleet
5 needs to sustain regularly scheduled maintenance, includ-
6 ing a 120-day cycle of preventive maintenance, and heavy
7 overhauls on a 4-year schedule, with interior enhance-
8 ments as needed.

9 (e) CAPITAL STATIONS AND FACILITIES.—There are
10 authorized to be appropriated to the Secretary of Trans-
11 portation for the use of Amtrak for fiscal year 2003, and
12 each fiscal year thereafter, \$10,000,000 for ongoing cap-
13 ital stations and facilities needs to provide regular up-
14 grades to stations to meet current service needs, and reg-
15 ular improvements to maintenance-of-way equipment and
16 maintenance-of-way facilities.

17 (f) TECHNOLOGY NEEDS.—There are authorized to
18 be appropriated to the Secretary of Transportation for the
19 use of Amtrak for fiscal year 2003, and each fiscal year
20 thereafter, \$10,000,000 for ongoing technology needs to
21 upgrade reservation, distribution, financial, and oper-
22 ations systems, including hardware, software, infrastruc-
23 ture, and communications.

1 **SEC. 306. SHORT DISTANCE TRAINS; STATE-SUPPORTED**
2 **ROUTES.**

3 There are authorized to be appropriated to the Sec-
4 retary of Transportation for the use of Amtrak for fiscal
5 year 2003, and each fiscal year thereafter, for obligation
6 and expenditure on routes outside the Northeast
7 Corridor—

8 (1) \$20,000,000 for capital backlog on infra-
9 structure to bring infrastructure up to a state-of-
10 good-repair, including improvements on bridges and
11 tunnels that are approaching the end of their useful
12 life and interlocking and signal system renewal;

13 (2) \$10,000,000 for capital backlog on its fleet
14 to bring Amtrak's existing fleet as of the date of en-
15 actment of this Act to a state-of-good-repair, includ-
16 ing equipment replacement and upgrades necessary
17 to meet current service commitments;

18 (3) \$170,000,000 for ongoing capital infra-
19 structure to replace assets on a life-cycle basis to en-
20 sure a state-of-good-repair is maintained in order to
21 meet safety and reliability standards needed to de-
22 liver current service commitments, including invest-
23 ment in partner railroads to operate passenger serv-
24 ice at currently committed levels.

25 (4) \$40,000,000 for ongoing capital fleet needs
26 to sustain regularly scheduled maintenance, includ-

1 ing a 120-day cycle preventive maintenance sched-
2 ule, and heavy overhauls on a 4-year schedule, with
3 interior enhancements as needed;

4 (5) \$10,000,000 for ongoing capital stations
5 and facilities needs to provide regular upgrades to
6 stations to meet current service needs, and regular
7 improvements to maintenance-of-way equipment and
8 maintenance-of-way facilities; and

9 (6) \$20,000,000 for ongoing technology needs
10 to upgrade of reservation, distribution, financial, and
11 operations systems, including hardware, software, in-
12 frastructure and communications.

13 **SEC. 307. RE-ESTABLISHMENT OF NORTHEAST CORRIDOR**
14 **SAFETY COMMITTEE.**

15 (a) RE-ESTABLISHMENT OF NORTHEAST CORRIDOR
16 SAFETY COMMITTEE.—The Secretary of Transportation
17 shall re-establish the Northeast Corridor Safety Com-
18 mittee authorized by section 24905(b) of title 49, United
19 States Code.

20 (b) TERMINATION DATE.—Section 24905(b)(4) is
21 amended by striking “January 1, 1999,” and inserting
22 “January 1, 2008,”.

23 **SEC. 308. ON-TIME PERFORMANCE.**

24 Section 24308 is amended by adding at the end the
25 following:

1 “(f) ON-TIME PERFORMANCE.—If the on-time per-
2 formance of any intercity passenger train averages less
3 than 80 percent for any consecutive 3-month period, Am-
4 trak may petition the Surface Transportation Board to in-
5 vestigate whether, and to what extent, delays are due to
6 causes that could reasonably be addressed by a rail carrier
7 over the tracks of which the intercity passenger train oper-
8 ates, or by a regional authority providing commuter serv-
9 ice, if any. In carrying out such an investigation, the Sur-
10 face Transportation Board shall obtain information from
11 all parties involved and make recommendations regarding
12 reasonable measures to improve the on-time performance
13 of the train.”.

14 **SEC. 309. AMTRAK BOARD OF DIRECTORS.**

15 (a) IN GENERAL.—Section 24302 is amended to read
16 as follows:

17 **“§ 24302. Board of directors**

18 “(a) COMPOSITION AND TERMS.—

19 “(1) The board of directors of Amtrak is com-
20 posed of the following 9 directors, each of whom
21 must be a citizen of the United States:

22 “(A) The President of Amtrak.

23 “(B) The Secretary of Transportation.

24 “(C) 7 individuals appointed by the Presi-
25 dent of the United States, by and with the ad-

1 vice and consent of the Senate, with an interest,
2 experience, and qualifications in or directly re-
3 lated to rail transportation, including represent-
4 atives of the passenger rail transportation, trav-
5 el, hospitality, cruise line, and passenger air
6 transportation businesses, and consumers of
7 passenger rail transportation.

8 “(2) An individual appointed under paragraph
9 (1)(C) of this subsection serves for 5 years or until
10 the individual’s successor is appointed and qualified.
11 Not more than 4 individuals appointed under para-
12 graph (1)(C) may be members of the same political
13 party.

14 “(3) The board shall elect a chairman and a
15 vice chairman from among its membership. The vice
16 chairman shall serve as chairman in the absence of
17 the chairman.

18 “(4) The Secretary may be represented at a
19 meeting of the board only by the Deputy Secretary
20 of Transportation, the Administrator of the Federal
21 Railroad Administration, or the General Counsel of
22 the Department of Transportation.

23 “(b) PAY AND EXPENSES.—Each director not em-
24 ployed by the United States Government is entitled to
25 \$300 a day when performing board duties and powers.

1 Each director is entitled to reimbursement for necessary
2 travel, reasonable secretarial and professional staff sup-
3 port, and subsistence expenses incurred in attending board
4 meetings.

5 “(c) VACANCIES.—A vacancy on the board is filled
6 in the same way as the original selection, except that an
7 individual appointed by the President of the United States
8 under subsection (a)(1)(C) of this section to fill a vacancy
9 occurring before the end of the term for which the prede-
10 cessor of that individual was appointed is appointed for
11 the remainder of that term. A vacancy required to be filled
12 by appointment under subsection (a)(1)(C) must be filled
13 not later than 120 days after the vacancy occurs.

14 “(d) BYLAWS.—The board may adopt and amend by-
15 laws governing the operation of Amtrak. The bylaws shall
16 be consistent with this part and the articles of incorpora-
17 tion.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall take effect on October 1, 2003. The
20 members of the Amtrak Reform Board may continue to
21 serve until 3 directors appointed by the President under
22 section 24302(a) of title 49, United States Code, as
23 amended by subsection (a), have qualified for office.

1 **SEC. 310. INDEPENDENT AUDIT OF AMTRAK OPERATIONS;**

2 **REVIEW BY DOT IG.**

3 (a) IN GENERAL.—Amtrak shall employ an inde-
4 pendent financial consultant—

5 (1) to assess its financial accounting and re-
6 porting system;

7 (2) to design and assist Amtrak in imple-
8 menting a modern financial accounting and report-
9 ing system, on the basis of the assessment, that will
10 produce accurate and timely financial information in
11 sufficient detail—

12 (A) to enable Amtrak to assign revenues
13 and expenses appropriately to each of its lines
14 of business activity; and

15 (B) to aggregate expenses and revenues re-
16 lated to infrastructure and distinguish them
17 from expenses and revenues related to rail oper-
18 ations.

19 (b) VERIFICATION OF SYSTEM; REPORT.—The In-
20 spector General of the Department of Transportation shall
21 review the accounting system designed and implemented
22 under subsection (a) to ensure that it accomplishes the
23 purposes for which it is intended. The Inspector General
24 shall report his findings and conclusions, together with
25 any recommendations, to the Senate Committee on Com-
26 merce, Science, and Transportation and the House of Rep-

1 representatives Committee on Transportation and Infrastruc-
2 ture.

3 (c) REVIEW OF FINANCIAL STATUS AND FUNDING
4 REQUIREMENTS BY DOT INSPECTOR GENERAL.—The In-
5 spector General of the Department of Transportation
6 shall, as part of the Department's annual assessment of
7 Amtrak's financial status and capital funding require-
8 ments review the obligation and expenditure of funds
9 under each such funding document, procedure, or arrange-
10 ment to ensure that the expenditure and obligation of
11 those funds are consistent with the purposes for which
12 they are provided under this Act.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Secretary of
15 Transportation for the use of Amtrak \$2,500,000 for fis-
16 cal year 2003 to carry out subsection (a), such sums to
17 remain available until expended.

18 **TITLE IV—MISCELLANEOUS**

19 **SEC. 401. REHABILITATION, IMPROVEMENT, AND SECURITY** 20 **FINANCING.**

21 (a) DEFINITIONS.—Section 102(7) of the Railroad
22 Revitalization and Regulatory Reform Act of 1976 (45
23 U.S.C. 802(7)) is amended to read as follows:

1 “(7) ‘railroad’ has the meaning given that term
2 in section 20102 of title 49, United States Code;
3 and”.

4 (b) GENERAL AUTHORITY.—Section 502 of the Rail-
5 road Revitalization and Regulatory Reform Act of 1976
6 (45 U.S.C. 822) is amended—

7 (1) by striking “Secretary may provide direct
8 loans and loan guarantees to State and local govern-
9 ments,” in subsection (a) and inserting “Secretary
10 shall provide direct loans and loan guarantees to
11 State and local governments, interstate compacts en-
12 tered into under section 410 of the Amtrak Reform
13 and Accountability Act of 1997 (49 U.S.C. 24101
14 nt),”;

15 (2) by striking “or” in subsection (b)(1)(B);

16 (3) by redesignating subparagraph (C) of sub-
17 section (b)(1) as subparagraph (D); and

18 (4) by inserting after subparagraph (B) of sub-
19 section (b)(1) the following:

20 “(C) to acquire, improve, or rehabilitate
21 rail safety and security equipment and facilities;
22 or”.

23 (c) EXTENT OF AUTHORITY.—Section 502(d) of the
24 Railroad Revitalization and Regulatory Reform Act of
25 1976 (45 U.S.C. 822(d)) is amended—

1 (1) by striking “\$3,500,000,000” and inserting
2 “\$35,000,000,000”;

3 (2) by striking “\$1,000,000,000” and inserting
4 “\$7,000,000,000”; and

5 (3) by adding at the end the following new sen-
6 tence: “The Secretary shall not establish any limit
7 on the proportion of the unused amount authorized
8 under this subsection that may be used for 1 loan
9 or loan guarantee.”.

10 (d) COHORTS OF LOANS.—Section 502(f) of the Rail-
11 road Revitalization and Regulatory Reform Act of 1976
12 (45 U.S.C. 822(f)) is amended—

13 (1) in paragraph (2)—

14 (A) by striking “and” at the end of sub-
15 paragraph (D);

16 (B) by redesignating subparagraph (E) as
17 subparagraph (F); and

18 (C) by adding after subparagraph (D) the
19 following new subparagraph:

20 “(E) the size and characteristics of the co-
21 hort of which the loan or loan guarantee is a
22 member; and”; and

23 (2) by adding at the end of paragraph (4) the
24 following: “A cohort may include loans and loan
25 guarantees. The Secretary shall not establish any

1 limit on the proportion of a cohort that may be used
2 for 1 loan or loan guarantee.”.

3 (e) CONDITIONS OF ASSISTANCE.—Section 502 of the
4 Railroad Revitalization and Regulatory Reform Act of
5 1976 (45 U.S.C. 822) is amended—

6 (1) by striking “offered;” in subsection
7 (f)(2)(A) and inserting “offered, if any;”and

8 (2) by adding at the end of subsection (h) the
9 following: “The Secretary shall not require an appli-
10 cant for a direct loan or loan guarantee under this
11 section to provide collateral. The Secretary shall not
12 require that an applicant for a direct loan or loan
13 guarantee under this section have previously sought
14 the financial assistance requested from another
15 source. The Secretary shall require recipients of di-
16 rect loans or loan guarantees under this section to
17 apply the standards of section 22301(b) and (c) of
18 title 49, United States Code, to their projects.”.

19 (f) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—
20 Section 502 of the Railroad Revitalization and Regulatory
21 Reform Act of 1976 (45 U.S.C. 822) is amended by add-
22 ing at the end the following:

23 “(i) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—
24 Not later than 180 days after receiving a complete appli-
25 cation for a direct loan or loan guarantee under this sec-

1 tion, the Secretary shall approve or disapprove the applica-
2 tion.”.

3 (g) FEES AND CHARGES.—Section 503 of the Rail-
4 road Revitalization and Regulatory Reform Act of 1976
5 (45 U.S.C. 823) is amended—

6 (1) by adding at the end of subsection (k) the
7 following: “Funds received by the Secretary under
8 the preceding sentence shall be credited to the ap-
9 propriation from which the expenses of making such
10 appraisals, determinations, and findings were in-
11 curred.”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(l) FEES AND CHARGES.—Except as provided in
15 this title, the Secretary may not assess any fees, including
16 user fees, or charges in connection with a direct loan or
17 loan guarantee provided under section 502.”.

18 (h) SUBSTANTIVE CRITERIA AND STANDARDS.—Not
19 later than 30 days after the date of the enactment of this
20 Act, the Secretary of Transportation shall publish in the
21 Federal Register and post on the Department of Trans-
22 portation website the substantive criteria and standards
23 used by the Secretary to determine whether to approve
24 or disapprove applications submitted under section 502 of

1 the Railroad Revitalization and Regulatory Reform Act of
2 1976 (45 U.S.C. 822).

3 (i) OPERATORS AND SERVICE PROVIDERS DEEMED
4 RAIL CARRIERS.—Section 502 of the Railroad Revitaliza-
5 tion and Regulatory Reform Act of 1976 (45 U.S.C. 822),
6 as amended by subsection (f), is amended by adding at
7 the end the following:

8 “(j) OPERATORS AND CERTAIN SERVICE PROVIDERS
9 DEEMED RAIL CARRIERS.—A person that conducts rail
10 operations, or performs catering, cleaning, construction,
11 maintenance, or other services for rail operations, funded
12 or otherwise receiving assistance under this section is
13 deemed to be a rail carrier for purposes of part A of sub-
14 title IV of title 49, United States Code, when so operating
15 or performing such services.”.

16 **SEC. 402. RAIL PASSENGER COOPERATIVE RESEARCH PRO-**
17 **GRAM.**

18 (a) IN GENERAL.—Chapter 249 is amended by add-
19 ing at the end the following:

20 **“§ 24910. Passenger rail cooperative research pro-**
21 **gram**

22 “(a) IN GENERAL.—The Secretary shall establish
23 and carry out a rail passenger cooperative research pro-
24 gram. The program shall—

1 “(1) address, among other matters, intercity
2 rail passenger services, including existing rail pas-
3 senger technologies and speeds, incrementally en-
4 hanced rail systems and infrastructure, and new
5 high-speed wheel-on-rail systems;

6 “(2) give consideration to research on com-
7 muter rail, regional rail, freight rail, and other
8 modes of rail transportation that may affect rail
9 passenger transportation due to the interconnected-
10 ness of the rail passenger network with other rail
11 transportation services; and

12 “(3) give consideration to regional concerns re-
13 garding rail passenger transportation, including
14 meeting research needs common to designated high-
15 speed corridors, long-distance rail services, and re-
16 gional intercity rail corridors, projects, and entities.

17 “(b) CONTENTS.—The program to be carried out
18 under this section shall include research designed—

19 “(1) to develop more accurate models for evalu-
20 ating the indirect effects of rail passenger service,
21 including the effects on highway and airport and air-
22 way congestion, environmental quality, and energy
23 consumption;

24 “(2) to develop a better understanding of modal
25 choice as it affects rail passenger transportation, in-

1 cluding development of better models to predict rid-
2 ership;

3 “(3) to recommend priorities for technology
4 demonstration and development;

5 “(4) to meet additional priorities as determined
6 by the advisory board established under subsection
7 (c), including any recommendations made by the Na-
8 tional Research Council;

9 “(5) to explore improvements in management,
10 financing, and institutional structures;

11 “(6) to address rail capacity constraints that
12 affect passenger rail service through a wide variety
13 of options, ranging from operating improvements to
14 dedicated new infrastructure, taking into account
15 the impact of such options on freight and commuter
16 rail operations; and

17 “(7) to improve maintenance, operations, cus-
18 tomer service, or other aspects of existing intercity
19 rail passenger service existing in 2002.

20 “(c) ADVISORY BOARD.—

21 “(1) ESTABLISHMENT.—In consultation with
22 the heads of appropriate Federal departments and
23 agencies, the Secretary shall establish an advisory
24 board to recommend research, technology, and tech-

1 nology transfer activities related to rail passenger
2 transportation.

3 “(2) MEMBERSHIP.—The advisory board shall
4 include—

5 “(A) representatives of State transpor-
6 tation agencies;

7 “(B) transportation and environmental
8 economists, scientists, and engineers; and

9 “(C) representatives of Amtrak, the Alaska
10 Railroad, transit operating agencies, intercity
11 rail passenger agencies, railway labor organiza-
12 tions, and environmental organizations.

13 “(d) NATIONAL ACADEMY OF SCIENCES.— The Sec-
14 retary may make grants to, and enter into cooperative
15 agreements with, the National Academy of Sciences to
16 carry out such activities relating to the research, tech-
17 nology, and technology transfer activities described in sub-
18 section (b) as the Secretary deems appropriate.”.

19 (b) CONFORMING AMENDMENT.—The chapter anal-
20 ysis for chapter 249 is amended by adding at the end the
21 following:

“24910. Passenger rail cooperative research program”.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Secretary of
24 Transportation \$5,000,000 for fiscal year 2003, and each

1 fiscal year thereafter, to carry out section 24910(d) of title
2 49, United States Code.

3 **SEC. 403. CONFORMING AMENDMENTS TO TITLE 49 RE-**
4 **FLECTING ICC TERMINATION ACT.**

5 (a) SECTION 307.—

6 (1) Section 307 is amended—

7 (A) by striking “**Interstate Com-**
8 **merce Commission**” in the section heading
9 and inserting “**Surface Transportation**
10 **Board**”;

11 (B) by striking “Interstate Commerce
12 Commission” in subsection (a) and inserting
13 “Surface Transportation Board”; and

14 (C) by striking “Commission” each place it
15 appears and inserting “Board”.

16 (2) The chapter analysis for chapter 3 is
17 amended by striking the item relating to section 307
18 and inserting the following:

“307. Safety information and intervention in Surface Transportation Board pro-
ceedings”.

19 (b) SECTION 333.—Section 333 is amended—

20 (1) by striking “Interstate Commerce Commis-
21 sion” each place it appears and inserting “Surface
22 Transportation Board”; and

23 (2) by striking “Commission” in subsection (c)
24 and inserting “Board”.

1 (c) SECTION 351.—Section 351(c) is amended by
2 striking “Interstate Commerce Commission” and inserting
3 “Surface Transportation Board”.

4 (d) SECTION 24307.—Section 24307(b)(3) is amend-
5 ed by striking “Interstate Commerce Commission” and in-
6 serting “Surface Transportation Board”.

7 (e) SECTION 24308.—Section 24308 is amended—

8 (1) by striking “Interstate Commerce Commis-
9 sion” in subsection (a)(2)(A) and inserting “Surface
10 Transportation Board”; and

11 (2) by striking “Commission” each place it ap-
12 pears in subsection (a) and (b) and inserting
13 “Board”.

14 (f) SECTION 24311.—Section 24311 is amended—

15 (1) by striking “Interstate Commerce Commis-
16 sion” in subsection (c)(1) and inserting “Surface
17 Transportation Board”; and

18 (2) by striking “Commission” each place it ap-
19 pears in subsection (c) and inserting “Board”.

20 (g) SECTION 24902.—Section 24902 is amended—

21 (1) by striking “Interstate Commerce Commis-
22 sion” in subsections (g)(2) and (g)(3) and inserting
23 “Surface Transportation Board”; and

1 (2) by striking “Commission” each place it ap-
2 pears in subsections (g)(2) and (g)(3) and inserting
3 “Board”.

4 (h) SECTION 24904.—Section 24904 is amended—

5 (1) by striking “Interstate Commerce Commis-
6 sion” in subsection (c)(2) and inserting “Surface
7 Transportation Board”; and

8 (2) by striking “Commission” each place it ap-
9 pears in subsection (c) and inserting “Board”.

10 **SEC.404. APPLICABILITY OF REVERSION TO ALASKA RAIL-**
11 **ROAD RIGHT-OF-WAY PROPERTY.**

12 Section 601(b) of the Alaska Railroad Transfer Act
13 of 1982 (45 U.S.C. 1209(b)) is amended—

14 (1) by inserting “(1)” after “(b)”;

15 (2) by redesignating paragraphs (1) and (2) as
16 subparagraphs (A) and (B), respectively; and

17 (3) by adding at the end the following new
18 paragraph:

19 “(2)(A) The State-owned railroad may convey all
20 right, title, and interest of the State in any land within
21 the right-of-way to a third party in exchange for other
22 land that, in substitution for the land conveyed, is to be
23 utilized as part of the right-of-way if the continuity of the
24 right-of-way corridor for transportation, communications,

1 and transmission purposes is provided by such use of the
2 substituted land.

3 “(B) The provisions of this section that require rever-
4 sion shall apply to the substituted land, as of the effective
5 date of the exchange of that land in a transaction author-
6 ized by subparagraph (A), as fully as if the substituted
7 land had been rail properties of the Alaska Railroad as
8 of January 13, 1983.

9 “(C) Upon the conveyance of land in a transaction
10 authorized by subparagraph (A), any reversionary interest
11 in the land under this section shall terminate.”.

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